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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00447 CRB
)	
Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
v.)	
)	
SANG HUN PARK,)	
)	
Defendant.)	

This matter is currently on the Court's calendar for September 20, 2006. Through counsel, defendant Sang Hun Park and the United States ask the Court to (a) vacate the September 20, 2006 date based on the defendant's anticipated plea agreement, (b) set a date of October 25, 2006 for change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from September 20, 2006, to October 25, 2006.

1. The parties are currently working out the language of a plea agreement and request that the Court set the matter for October 25, 2006, for change-of-plea.

2. The parties agree that the time between September 20, 2006 and October 25, 2006 should

ORDER
CR 05-00447 CRB

be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration consequences of a plea. That matter needs an additional amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from September 20, 2006 to October 25, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

September 15, 2006

/s/

DATE

PETER B. AXELROD
LAUREL BEELER
Assistant United States Attorneys

September 15, 2006

/s/

DATE

MICHAEL GAINES
Attorney for Sang Hun Park

ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the September 20, 2006, hearing date for defendant Sang Hun Park based on the anticipated plea agreement, (b) sets the matter for change-of-plea on October 25, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from September 20, 2006, to October 25, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this

1 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and
2 (h)(8)(B)(iv).

3 IT IS SO ORDERED.

4
5 DATED: September 20, 2006

